

PART 49

TERMINATION OF CONTRACTS

49.208 Equitable adjustment after partial termination.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
<p>Under the termination clause, after partial termination, a contractor may request an equitable adjustment in the price or prices of the continued portion of a fixed-price contract. The TCO shall forward the proposal to the contracting officer except when negotiation authority is delegated to the TCO. The contractor shall submit the proposal on SF 1411, Contract Pricing Proposal Cover Sheet.</p> <p>* * * * *</p>	<p>Under the termination clause, after partial termination, a contractor may request an equitable adjustment in the price or prices of the continued portion of a fixed-price contract. The TCO shall forward the proposal to the contracting officer except when negotiation authority is delegated to the TCO. The contractor shall submit the proposal on SF 1411, Contract Pricing Proposal Cover Sheet (Cost or Pricing Data Required).</p> <p>* * * * * [FAC 90-32]</p>

49.402-7 Other damages.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
<p>(a) If a contract is terminated for default or if a course of action in lieu of termination for default is followed (see 49.402-4), the contracting officer shall promptly ascertain and make demand for any liquidated damages to which the Government is entitled under the contract. Under the contract clauses for liquidated damages at 52.212-4, these damages are in addition to any excess repurchase costs.</p> <p>* * * * *</p>	<p>(a) If a contract is terminated for default or if a course of action in lieu of termination for default is followed (see 49.402-4), the contracting officer shall promptly ascertain and make demand for any liquidated damages to which the Government is entitled under the contract. Under the contract clauses for liquidated damages at 52.211-11, these damages are in addition to any excess repurchase costs.</p> <p>* * * * * [FAC 90-32]</p>

49.501 General.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
<p>This subpart prescribes the principal contract termination clauses. In appropriate cases, agencies may authorize the use of special purpose clauses, if consistent with this regulation.</p>	<p>This subpart prescribes the principal contract termination clauses. For contracts for the acquisition of commercial items, this part provides administrative guidance which may be followed when it is consistent with the requirements and procedures in the clause at 52.212-4, Contract Terms and Conditions - Commercial Items. In appropriate cases, agencies may authorize the use of special purpose clauses, if consistent with this chapter. [FAC 90-32]</p>

49.603-1 Fixed price contracts—complete termination.

FAR as of FAC 90-25

[Insert the following in Block 14 of SF 30 for settlements of fixed-price contracts completely terminated.]

* * * * *

(b) * * * * *

(7) Regardless of any other provision of this agreement, the following rights and liabilities of the parties under the contract are reserved:

* * * * *

(i) All rights and liabilities, if any, of the parties, as to matters covered by, ~~and regulations made implementing 10 U.S.C. 2382, as amended, and any other~~ renegotiation authority.

* * * * *

(iii) All rights and liabilities, if any, of the parties under those clauses inserted in the contract because of the requirements of Acts of Congress and Executive Orders, including, without limitation, any applicable clauses relating to: labor law, contingent fees, domestic articles, employment of aliens, ~~and “officials not to benefit.”~~ *[If the contract contains clauses of this character inserted for reasons other than requirements of Acts of Congress or Executive Orders, the suggested language should be appropriately modified.]*

* * * * *

FAR as revised

[Insert the following in Block 14 of SF 30 for settlements of fixed-price contracts completely terminated.]

* * * * *

(b) * * * * *

(7) Regardless of any other provision of this agreement, the following rights and liabilities of the parties under the contract are reserved:

* * * * *

(i) All rights and liabilities, if any, of the parties, as to matters covered by **any** renegotiation authority. [FAC 90-33]

* * * * *

(iii) All rights and liabilities, if any, of the parties under those clauses inserted in the contract because of the requirements of Acts of Congress and Executive Orders, including, without limitation, any applicable clauses relating to: labor law, contingent fees, domestic articles, **and** employment of aliens. *[If the contract contains clauses of this character inserted for reasons other than requirements of Acts of Congress or Executive Orders, the suggested language should be appropriately modified.]*

* * * * * [FAC 90-30]

49.603-2 Fixed-price contracts—partial termination.

FAR as of FAC 90-25

[Insert the following in Block 14 of SF 30 for settlements of fixed-price contracts partially terminated.]

* * * * *

(b) * * * * *

(8) Regardless of any other provision of this agreement, the following rights and liabilities of the parties under the contract are reserved:

* * * * *

(i) All rights and liabilities, if any, of the parties, as to matters covered by, ~~and regulations made implementing 10 U.S.C. 2382, as amended, and any other~~ renegotiation authority.

* * * * *

FAR as revised

[Insert the following in Block 14 of SF 30 for settlements of fixed-price contracts partially terminated.]

* * * * *

(b) * * * * *

(8) Regardless of any other provision of this agreement, the following rights and liabilities of the parties under the contract are reserved:

* * * * *

(i) All rights and liabilities, if any, of the parties, as to matters covered by **any** renegotiation authority.

* * * * * [FAC 90-33]

(iii) All rights and liabilities, if any, of the parties under those clauses inserted in the contract because of the requirements of Acts of Congress and Executive Orders, including, without limitation, any applicable clauses relating to: labor law, contingent fees, domestic articles, employment of aliens, ~~and “officials not to benefit.”~~ *[If the contract contains clauses of this character inserted for reasons other than requirements of Acts of Congress or Executive Orders, the suggested language should be appropriately modified.]*

* * * * *

(iii) All rights and liabilities, if any, of the parties under those clauses inserted in the contract because of the requirements of Acts of Congress and Executive Orders, including, without limitation, any applicable clauses relating to: labor law, contingent fees, domestic articles, **and** employment of aliens. *[If the contract contains clauses of this character inserted for reasons other than requirements of Acts of Congress or Executive Orders, the suggested language should be appropriately modified.]*

* * * * * [FAC 90-30]

49.603-3 Cost reimbursement contracts—complete termination, if settlement includes cost.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
<i>[Insert the following in Block 14 of SF 30 for settlement of cost-reimbursement contracts that are completely terminated, if settlement includes costs.]</i> * * * * *	<i>[Insert the following in Block 14 of SF 30 for settlement of cost-reimbursement contracts that are completely terminated, if settlement includes costs.]</i> * * * * *
(b) * * * * *	(b) * * * * *
(7) Regardless of any other provision of this agreement, the following rights and liabilities of the parties under the contract are reserved: * * * * *	(7) Regardless of any other provision of this agreement, the following rights and liabilities of the parties under the contract are reserved: * * * * *
(i) All rights and liabilities, if any, of the parties, as to matters covered by, and regulations made implementing 40 U.S.C. 2382, as amended, and any other renegotiation authority. * * * * *	(i) All rights and liabilities, if any, of the parties, as to matters covered by any renegotiation authority. [FAC 90-33, CASE 94-710] * * * * *
(iii) All rights and liabilities, if any, of the parties under those clauses inserted in the contract because of the requirements of Acts of Congress and Executive Orders, including, without limitation, any applicable clauses relating to: labor law, contingent fees, domestic articles, employment of aliens, and “officials not to benefit.” <i>[If the contract contains clauses of this character inserted for reasons other than requirements of Acts of Congress or Executive Orders, the suggested language should be appropriately modified.]</i> * * * * *	(iii) All rights and liabilities, if any, of the parties under those clauses inserted in the contract because of the requirements of Acts of Congress and Executive Orders, including, without limitation, any applicable clauses relating to: labor law, contingent fees, domestic articles, and employment of aliens. <i>[If the contract contains clauses of this character inserted for reasons other than requirements of Acts of Congress or Executive Orders, the suggested language should be appropriately modified.]</i> [FAC 90-30] * * * * *

49.603-4 Cost-reimbursement contracts—complete termination, with settlement limited to fee.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
<p><i>[Insert the following in Block 14 of SF 30 for settlement of cost-reimbursement contracts that are completely terminated, if settlement is limited to fee.]</i></p> <p>* * * * *</p> <p>(b) * * * * *</p> <p>(4) Regardless of any other provision of this agreement, the following rights and liabilities of the parties under the contract are reserved: * * * * *</p> <p>(i) All rights and liabilities, if any, of the parties, as to matters covered by, and regulations made implementing 10 U.S.C. 2382, as amended, and any other renegotiation authority.</p> <p>(ii) All rights and liabilities, if any, of the parties under those clauses inserted in the contract because of the requirements of Acts of Congress and Executive Orders, including, without limitation, any applicable clauses relating to: labor law, contingent fees, domestic articles, employment of aliens, and “officials not to benefit.” <i>[If the contract contains clauses of this character inserted for reasons other than requirements of Acts of Congress or Executive Orders, the suggested language should be appropriately modified.]</i></p> <p>* * * * *</p>	<p><i>[Insert the following in Block 14 of SF 30 for settlement of cost-reimbursement contracts that are completely terminated, if settlement is limited to fee.]</i></p> <p>* * * * *</p> <p>(b) * * * * *</p> <p>(4) Regardless of any other provision of this agreement, the following rights and liabilities of the parties under the contract are reserved: * * * * *</p> <p>(i) All rights and liabilities, if any, of the parties, as to matters covered by any renegotiation authority. [FAC 90-33]</p> <p>(ii) All rights and liabilities, if any, of the parties under those clauses inserted in the contract because of the requirements of Acts of Congress and Executive Orders, including, without limitation, any applicable clauses relating to: labor law, contingent fees, domestic articles, and employment of aliens. <i>[If the contract contains clauses of this character inserted for reasons other than requirements of Acts of Congress or Executive Orders, the suggested language should be appropriately modified.]</i></p> <p>* * * * * [FAC 90-30]</p>

49.607 Delinquency notices.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
<p>The formats of the delinquency notices in this section may be used to satisfy the requirements of 49.402-3. All notices will be sent with proof of delivery requested. (See Subpart 42.5 for stop-work orders.)</p> <p>* * * * *</p>	<p>The formats of the delinquency notices in this section may be used to satisfy the requirements of 49.402-3. All notices will be sent with proof of delivery requested. (See Subpart 42.13 for stop-work orders.)</p> <p>* * * * * [FAC 90-32]</p>